

United States District Court	DISTRICT of ARIZONA
United States of America V. Carlos M Diaz DOB: 1990 United States Citizen Manuel Urrea DOB: 1972 United States Citizen xxx-xx-0880 Adalberto Sonoqui DOB: 1981 United States Citizen Juan Meraz DOB: 1979 United States Citizen Joshua Meraz DOB: 1986 United States Citizen Anthony Lozoya DOB: 1990 United States Citizen Michael Braswell DOB: 1985 United States Citizen Rodolfo Fuentes DOB: 1978 United States Citizen	DOCKET NO. _____ FILED _____ LODGED _____ RECEIVED _____ COPY _____ <div style="border: 1px solid black; padding: 5px; text-align: center;"> JAN 28 2009 <small>CLERK U S DISTRICT COURT DISTRICT OF ARIZONA</small> </div> BY _____ DEPUTY _____
	MAGISTRATE'S CASE NO. 09-07547M

**Complaint for violation of Title 21 United States Code §841(a)(1), §841(b)(1)(A)(vii), §846,
Title 18 United States Code §924(c)(1)(A)(I), and §2**

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

Count One: From on or about January 13, 2009 and up to and including January 27, 2009, at or near Tucson, in the District of Arizona, **Carlos M. Diaz, Manuel Urrea, Adalberto Sonoqui, Juan Meraz, Joshua Meraz, Anthony Lozoya, Michael Braswell, and Rodolfo Fuentes**, named herein as defendants and co-conspirators, did knowingly and intentionally combine, conspire, confederate and agree together and with other persons to possess with intent to distribute 1,000 kilograms or more of marijuana, that is, approximately 1,136 kilograms (2,500 pounds) of marijuana, a Schedule I controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(vii).
Count Two: On or about January 27, 2009, at or near Tucson, in the District of Arizona, **Carlos M. Diaz, Manuel Urrea, Adalberto Sonoqui, Juan Meraz, Joshua Meraz, Anthony Lozoya, Michael Braswell, and Rodolfo Fuentes**,

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BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

On January 13, 2009, at or near Tucson, in the District of Arizona, two Tucson Police Department officers, acting in an undercover capacity, met with **Carloz DIAZ** and **Manuel URREA** after receiving information that they may be interested in committing a home invasion robbery of a suspected drug stash house which contained at least 2,500 pounds of marijuana. **DIAZ** and **URREA** agreed that they would be interested and agreed to split the amount of marijuana "50/50" with the undercover officers. **DIAZ** stated, "I have some dude that I can push two to three thousand" and that he could get \$450 to \$500 per pound. The undercover officers understood that to mean that **DIAZ** had the ability to sell several thousand pounds of marijuana. **DIAZ** and **URREA** related that "their crew" would dress as police officers or as DEA agents in order to gain access to the house which would then allow them to conduct the robbery of the house. On January 27, 2009, the two undercover officers (hereinafter referred to as "UCs") again met with **DIAZ** and **URREA**. At the meeting, **DIAZ** and **URREA** reiterated their desire and ability to break into a stash house and take the marijuana. They also told the UCs that they had their crew on standby waiting to do the home invasion robbery. **DIAZ** and **URREA** and their crew agreed to follow the UCs to a self-storage facility so that the entire crew could obtain the vehicles that would be used during the robbery and then "gear up" with the equipment necessary to perform the robbery.

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MATERIAL WITNESSES IN RELATION TO THE CHARGE:

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REQUEST DETENTION

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

TSETHLIKAI/mcb

AUTHORIZED BY: AUSA

SIGNATURE OF COMPLAINANT
(official title) *Dale Whor*

OFFICIAL TITLE Special Agent

ATF David Korn

Sworn to before me and subscribed in my presence.

SIGNATURE OF MAGISTRATE JUDGE¹⁾

DATE

January 28, 2009

¹⁾ See Federal rules of Criminal Procedure Rules 3 and 4

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CONTINUANCE;

Count Two:

named herein as defendants did knowingly use, carry, and possess firearms, that is, a Springfield Armory, Model 1911-A1, .45 caliber semi-automatic pistol, bearing serial number NM97868, an H&K, Model USP, .40 caliber semi-automatic pistol, bearing serial number 22-050993, a Smith and Wesson, Model 5904, 9 mm semi-automatic pistol, bearing serial number TCD9613, and a Beretta, Model 92 FS, 9 mm semi-automatic pistol, bearing serial number L03289Z, during and in relation to a drug trafficking offense, that is, Conspiracy to Possess with Intent to Distribute Marijuana, as alleged in Count One of this complaint, a felony which may be prosecuted in a Court of the United States, and did use, carry and possess such firearms in furtherance of such crime; all in violation of Title 18, United States Code, Sections 924(c)(1)(A)(I) and 2.

Basis for Complaint:

At the storage facility, the crew, with the exception of **Adalberto SONOQUI** and **Rodolfo FUENTES**, all gathered in a circle and confirmed that they were ready to go. The encircled crew members included **Juan MERAZ**, **Joshua MERAZ**, **Anthony LOZOYA**, and **Michael BRASWELL**. While in the circle, **Juan MERAZ**, by using his right hand to indicate the firing of a gun, stated, "If the dudes start blasting, we're dumping homies." **Juan MERAZ** also questioned the UCs about the door to the targeted stash house and inquired about how the door actually opened and then suggested to the UCs that after the UCs gained entry into the stash house that they open the back door for the crew. **Joshua MERAZ** then suggested to the UCs that after entering the stash house, they come out through the front door and leave it open so that the crew could then enter through the front door. **LOZOYA** suggested to the UCs that after the UCs got inside the stash house, they pretend that they got a phone call which would allow them to go outside by using the front door and leave it open for the crew to later enter. One of the UCs, accompanied by **Juan MERAZ**, then approached **SONOQUI** and **FUENTES**, who were sitting in a vehicle due to the cold weather, and told them, "I just want you guys to know what we look like." **SONOQUI** and **FUENTES** acknowledged that they had seen the UCs and when **Juan MERAZ** asked them, "you guys ready to do this?", both nodded in the affirmative and replied, "Yeah." **FUENTES** further replied, "Yeah, let's do this." A short time later, the signal to arrest was given and law enforcement officers surrounded the storage facility area and arrested all eight crew members. As the officers surrounded the area, **Juan MERAZ** threw the Springfield Armory, Model 1911-A1, .45 caliber semi-automatic pistol, bearing serial number NM97868 on the roof of one of the storage containers which was later recovered.

A search of the vehicles at the site was conducted. In an **Avalanche**, officers located an H&K, Model USP, .40 caliber semi-automatic pistol, bearing serial number 22-050993, a Smith and Wesson, Model 5904, 9 mm semi-automatic pistol, bearing serial number TCD9613, and a Beretta, Model 92 FS, 9 mm semi-automatic pistol, bearing serial number L03289Z. **SONOQUI** was identified as the driver of the **Avalanche** with **URREA** and **FUENTES** identified as the passengers. At the time of his arrest, **SONOQUI** was wearing a tactical load bearing vest and battle dress uniform pants. In the area where **SONOQUI** had been apprehended, officers located within the front passenger wheel well of the **Avalanche**, two velcro patches that could easily attach to the tactical vest that were black in color with white letter stitching of the word, "Police." Officers also located underneath the front bumper a rubber Halloween skull face mask and a blue bandana. Inside the console of the **Avalanche**, near the area where the Smith and Weston pistol and the H&K pistol were located, officers found a military camouflage face mask.

After **Miranda**, **URREA** admitted that he brought the Beretta pistol for himself and the Smith and Wesson pistol for "Rudy", **Rodolfo FUENTES**. **URREA** admitted that he recruited **SONOQUI** and together with **DIAZ**, the three discussed the operation. All three agreed that it would be a "straight split."

After **Miranda**, **SONOQUI** acknowledged that there were guns found in the console of the **Avalanche** and that he was

a prohibited possessor. He also stated that they were going to get marijuana. However, he did not admit by what means they would obtain the marijuana. **SONOQUI** was later determined to be the registered owner of the Avalanche.

All eight defendants were placed in police vans with four in one and four in another. While inside one of the vans, **LOZOYA** and **BRASWELL** were recorded discussing their potential statements to police. They were heard stating something to the effect of "let's tell them that they picked us up in the hood." Then they were overheard stating something to the effect of "no, no, let's say the Circle K" and that they were going to a strip club. One of them affirmatively stated that that was the story, "I am sticking to" and advised the others to "stick to the story." Later, at the station, both **LOZOYA** and **BRASWELL** gave similar stories to the conversation recorded in the police van.

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